

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-v- :

05 Cr. 1311 (PAC)

MARVIN MCFOY, :

Defendant. :

- - - - - X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
SOUTHERN DISTRICT OF NEW YORK)

VIRGINIA CHAVEZ ROMANO, an Assistant United States Attorney in the Southern District of New York, hereby affirms under the penalties of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant United States Attorney in the Southern District of New York, where I have been employed since 2002. In the Spring and Summer of 2005, I was the AUSA with primary responsibility for an investigation into narcotics trafficking involving Marvin McFoy and others. Because this affirmation is being submitted for a limited purpose, I have not included details of every aspect of this investigation. Where conversations or statements are related herein or documents referenced, they are related in substance and in part.

2. At several points during the summer of 2005, I presented magnetic optical disks containing recordings of conversations intercepted over authorized wiretaps of McFoy and

others, to the designated Part I Judges in the Southern District of New York. The time period of the McFoy investigation was one in which the caseload for which I was personally responsible was extraordinarily high. As I managed the investigation, I simultaneously was managing a number of other complex investigations. Among the cases I was handling were the following:

3. In May and June of 2005, I was one of the lead prosecutors responsible for "Operation Mallorca," an investigation into an international narcotics trafficking organization that resulted, in June 2005, in the arrests of approximately 40 individuals in the United States and Colombia. In June of 2005, in connection with the arrest, I traveled to Colombia to, among other things, review evidence that was gathered there and meet with law enforcement.

4. During this same time period, I was also solely responsible for supervising two complex wire investigations apart from the McFoy investigation. The first was "Operation Big Papi," an investigation by the DEA into narcotics trafficking that involved a number of wire interceptions stretching from March of 2005 through approximately July of 2005. The Second was "Operation Highstep," a DEA investigation into a heroin trafficking organization based in the United States and Colombia, involving a number of wire interceptions that lasted from approximately July of 2005 to September of 2005. I simultaneously

supervised the McFoy investigation. Supervising each of these investigations required a great deal of time and attention, including constant review of linesheets being produced, production of periodic reports for each of the phone lines being monitored, and frequent communication with the Department of Justice's office of Enforcement Operations to obtain authorizations for continued monitoring. During the time period of each wire, I was responsible for, among other things, ensuring that the monitoring agents complied with the courts' minimization instructions, reviewing the intercepted calls on a regular basis, and preparing periodic reports for the authorizing Judge.

5. During the summer of 2005, I was also preparing for two trials, in United States v. Duran Colon, 04 Cr. 811, and United States v. Londono, 04 Cr. 235 scheduled for August 1, 2005, and August 15, 2005, respectively. In the first week of August, I prosecuted the trial in Colon. In addition, while I prepared for the trial in Londono, the defendant in that case entered a guilty plea shortly before the scheduled trial date.

6. Throughout the entirety of the McFoy investigation, I recall making my best efforts to comply with 18 U.S.C § 2518 and all other statutory requirements.

I declare under penalties of perjury that the foregoing
is true and correct, pursuant to 28 U.S.C. § 1746.

New York, New York

Dated: July 16, 2008

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

AUSA VIRGINIA CHAVEZ ROMANO
UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK